

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

SOUDA et al

Atty. Ref.: 423-27

Serial No. 08/354,726

Group: 1203

Filed: 6 December 1994

Examiner: Fan

For: PYRIDINE DERIVATIVES HAVING
ANTI-ULCERATIVE ACTIVITY

* * * * *

June 1, 1998

Honorable Commissioner of Patents
and Trademarks

Washington, DC 20231

Sir:

TRANSMITTAL OF TERMINAL DISCLAIMER

Attached is a Terminal Disclaimer in the above application. Please record this disclaimer and charge all costs related to this [37 CFR 1.20(d)] to our Deposit Account No. 14-1140 under No. 423-27.

Respectfully submitted,

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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on June 1, 1998.



Arthur R. Crawford
Reg. No. 25,327

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Honorable Commissioner of Patents
and Trademarks
Washington, DC 20231

Sir:

TERMINAL DISCLAIMER

Your petitioner, EISAI CO., LTD. represents that it is the assignee as recorded in an assignment at reel 4812/frame 0449, of all right, title and interest in and to application Serial No. 08/354,726, filed December 6, 1994 for PYRIDINE DERIVATIVE HAVING ANTI-ULCERATIVE ACTIVITY. This disclaimer is made on behalf of and upon the instructions of EISAI CO., LTD.

Your petitioner hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date

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of the full statutory term as presently shortened by any terminal disclaimer of Patent No. 5,045,552 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to such patent granted on the above-identified application shall be the same as the legal title to the above-identified Patent No. 5,045,552, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of Patent No. 5,045,552 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The evidentiary documents accompanying this document or referred to above have been reviewed by the undersigned and it is certified that to the best of the assignee's knowledge and belief, title is in the assignee seeking to take action.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true;

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and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

June 1, 1998



Arthur R. Crawford, Attorney of Record
Registration No. 25,327